

BILL NO. Z-67-07-12

ZONING MAP ORDINANCE NO. Z-129-67

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. JJ-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. JJ-2 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

North, Range 12, East, Allen County, Indiana, and further bounded and described as follows:

Beginning at an iron pin at the southwesterly corner of said Fractional Section 7, Township 30, North, Range 12, East; thence North 0° 00' 11" West along the westerly line of said Fractional Section 7, Township 30, North, Range 12, East, 333.87 feet to the principal place of beginning of the premises herein intended to be described;

Course I Thence continuing North 0° 00' 11" West along said westerly line of Fractional Section 7, Township 30, North, Range 12, East, 2352.22 feet to a corner post at the southwesterly corner of land conveyed to Inverness Investors, Inc., by deed recorded in Volume 660, Page 178 of Allen County Deed Records;

Course II Thence South 89° 47' 00" East along the southerly line of land conveyed to Inverness Investors, Inc., 702.30 feet to a steel beam;

Course III Thence North 0° 56' 11" East 335.13 feet to a corner post;

Course IV Thence North 89° 44' 17" East along a southerly line of land conveyed to Inverness Investors, Inc. and the southerly line of Walnut Hills Terrace Addition, 1323.13 feet to a point in the centerline of Getz Road;

Course V Thence South 0° 34' 33" East along said centerline of Getz Road, 50.00 feet to a point;

Course VI Thence South 89° 44' 17" West along the northerly line of Covington Acres Amended Addition, 783.45 feet to a steel beam;

Course VII Thence South 0° 09' 44" West along the westerly line of said Covington Acres Amended Addition, the westerly line of land conveyed to Joseph H. & I. Irene Puit by deed recorded in Volume 632, Page 290 of Allen County Deed Records and the westerly line of land conveyed to Ethel La Vergne by deed recorded in Volume 466, Page 547 of Allen County Deed Records, 1623.30 feet to a steel beam;

Course VIII Thence North 89° 53' 04" East along the southerly line of land conveyed to Ethel La Vergne, 542.70 feet to a point, said point being distant South 89° 53' 04" West 258.00 feet from the centerline of Getz Road;

Course IX Thence South 13° 57' 56" East 150.00 feet to a point;

Course X Thence South 49° 43' 33" West 345.20 feet to a point;

Course XI Thence South 89° 47' 49" West 1133.66 feet to a point;

Course XII Thence South 0° 12' 11" East 640.68 feet to a point;

Course XIII Thence South 89° 47' 49" West, 427.40 feet to the principal place of beginning of said premises containing 64.3132 acres of land be the same more or less, but subject to all legal

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, ALLEN
COUNTY, INDIANA

TO: The Common Council of the City of Fort Wayne, Allen
County, Indiana:

The undersigned, being the owner of the following
described property located in Allen County, State of Indiana,
to wit:

Situated in the Fractional Southwest one-quarter of Section 7, Township 30,
North, Range 12, East, Allen County, Indiana, and further bounded and described as
follows:

Beginning at an iron pin at the southwesterly corner of said Fractional
Section 7, Township 30, North, Range 12, East; thence North 0° 00' 11" West along the
westerly line of said Fractional Section 7, Township 30, North, Range 12, East, 338.87
feet to the principal place of beginning of the premises herein intended to be described;

Course I Thence continuing North 0° 00' 11" West along said westerly line of Fractional
Section 7, Township 30, North, Range 12, East, 2352.22 feet to a corner post at the
southwesterly corner of land conveyed to Inverness Investors, Inc., by deed recorded in
Volume 660, Page 178 of Allen County Deed Records;

Course II Thence South 89° 47' 00" East along the southerly line of land conveyed to
Inverness Investors, Inc., 702.30 feet to a steel beam;

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Inverness Investors, Inc. and the southerly line of Walnut Hills Terrace Addition,
1323.13 feet to a point in the centerline of Getz Road;

Course V Thence South 0° 34' 33" East along said centerline of Getz Road, 50.00 feet
to a point;

Course VI Thence South 89° 44' 17" West along the northerly line of Covington Acres
Amended Addition, 783.45 feet to a steel beam;

Course VII Thence South 0° 09' 44" West along the westerly line of said Covington Acres
Amended Addition, the westerly line of land conveyed to Joseph H. & I. Irene Putt by
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of land conveyed to Ethel La Vergne by deed recorded in Volume 466, Page 547 of Allen
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Course XII Thence South 0° 12' 11" East 640.68 feet to a point;

Course XIII Thence South 89° 47' 49" West, 427.40 feet to the principal place of beginning
and containing 64.3132 acres of land be the same more or less, but subject to all legal
highways.

and the general welfare of the immediate community.

WHEREFORE, your Petitioner respectfully requests
this Council to change the zoning of said tract to an
"R-3" District.

Respectfully submitted,

DOWNING OF FORT WAYNE, INC.

By 
Its Secretary



\$ 25.⁰⁰

June 29 1967 No.

RECEIVED OF

Shoaff, Keegan + Baird

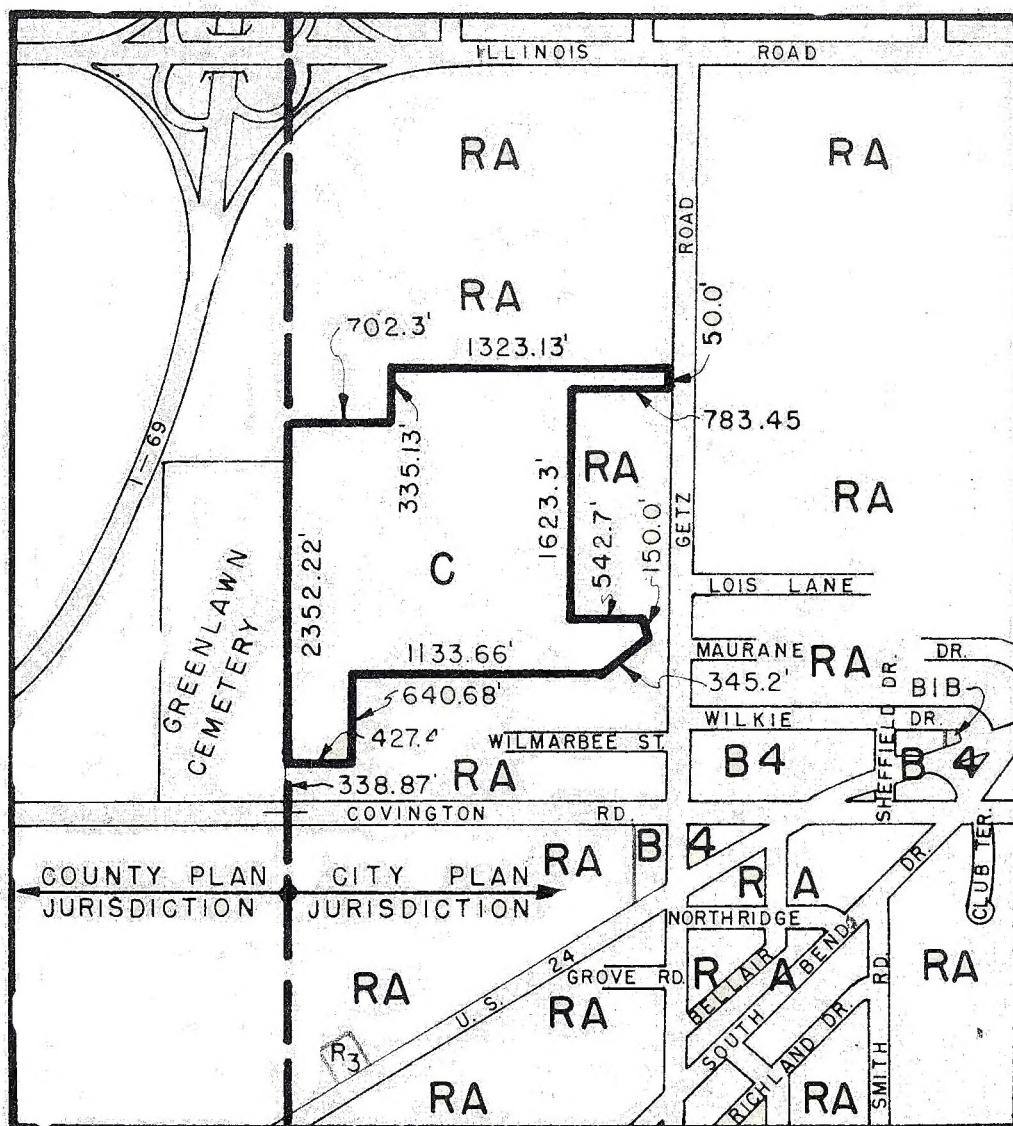
Twenty-five $\frac{00}{100}$

DOLLARS

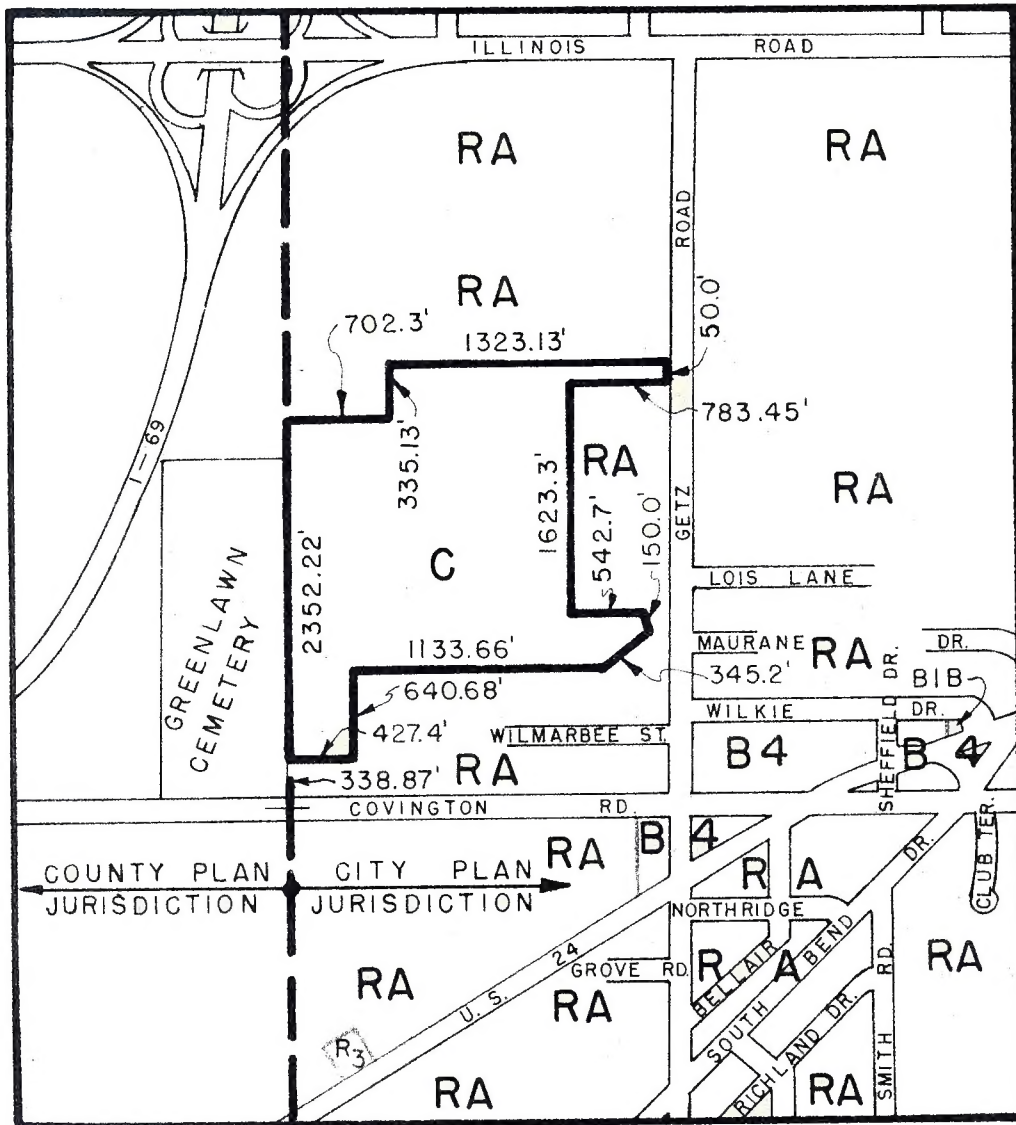
Reyoung from RA to R3

BY

L. H. McKathrie



C — CHANGE FROM RA TO R3



C - CHANGE FROM RA TO R3

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 11, 1967, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-67-07-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

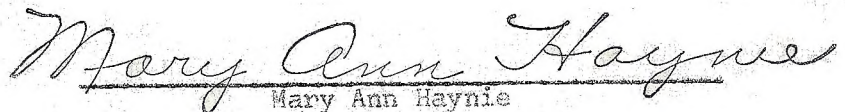
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1967;

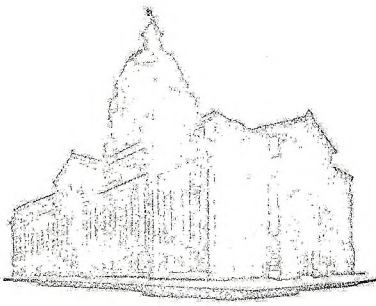
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1967.

Certified and signed this
5th day of December 1967.


Mary Ann Haynie
Secretary



COUNTY OF ALLEN, INDIANA, LEGAL DEPARTMENT

1700 Lincoln Tower

Fort Wayne, Indiana, 46802

Phone 743-9706

George P. Mallers, County Attorney

Harry Scott, Assistant County Attorney

November 28, 1967

Mr. William J. Jones
Planning Director
Fort Wayne City Plan Commission
425 South Calhoun Street
Fort Wayne, Indiana 46802

Dear Bill:

Enclosed is a letter from the Board of Commissioners of Allen County, regarding the Covington Road.

Very truly yours,

ALLEN COUNTY ATTORNEY

George P. Mallers

GPM: jkm

Enclosure

Board of Commissioners

OF THE

County of Allen

ROOM 204, COURT HOUSE

FORT WAYNE, INDIANA

17

November 22, 1967

Mr. William J. Jones
Planning Director
Fort Wayne City Plan Commission
425 South Calhoun Street
Fort Wayne, Indiana 46802

Re: Covington Road

Dear Mr. Jones:

The Board of Commissioners of Allen County wants to thank you and the Technical Committee of the Highway Coordinating Board for the studies made regarding the proposed improvements to the Covington Road. This type of cooperation between the agencies of the City and County Government lends itself to better and more complete comprehensive planning.

The recommendations of the Technical Committee provide for widening of the Covington Road, from the East cemetery line to the intersection of the Covington Road and Highway 24. It is our understanding that these studies and recommendations anticipate the traffic problems that will be engendered by development of apartment complexes and shopping centers, as well as normal residential growth in this area.

The City Plan Commission wants the County Commissioners' opinion about the granting of a rezoning for certain apartment complexes, taking into consideration the traffic studies referred to above. The Board of Commissioners is mindful of the fact that the City Plan Commission considers many factors, including traffic, in their ultimate decisions. Indeed, sound planning should not hang on questions of traffic alone. It would be ideal to build the ideal road system prior to allowing developments, but, unfortunately, the monies available with which to make such improvements are not enough to always follow the ideal type of plan.

Mr. William J. Jones
November 22, 1967
Page 2

We have been advised by our legal counsel, also, that putting too stringent conditions on a property owner seeking rezoning may create an arbitrary taking of one's lands, without just compensation and without due process of law.

The Board of Commissioners of Allen County feels that, in this particular case, the rezoning should be allowed, and the improvements permitted to be built, without requiring the property owners to participate in improvement costs and land acquisition costs. We are certain that, as time goes along and these improvements create more traffic, we are faced with an improvement of the Covington Road. However, we feel that it would be manifestly unfair to all of the citizens of Allen County to stop the growth of the community on the sole basis that the roads servicing the proposed improvements may some day have to be widened. If, in time, the traffic generated requires such improvements, the improvements will then be made.

It would be the recommendation of the Board of Commissioners of Allen County that the proposed rezoning for the apartment complex, known as Colony Bay, be recommended as a "do pass".

Very truly yours,

THE BOARD OF COMMISSIONERS
OF ALLEN COUNTY, INDIANA

By: Frank W. Meyer

By: Norm H. Lake

By: _____

Jkm

Abstained from voting on this matter by: _____

Charles Javrick

Bill No. Z-67-07-12

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. JJ-2.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

PHIL A. STEIGERWALD, Chairman

HERBERT G. TIPTON, Vice-Chairman

VERLIN H. BUCHANAN

JOHN H. ROBINSON

JACK K. DUNIFON.

Phil A. Steigerwald
Herbert G. Tipton

John H. Robinson
Jack K. Dunifon

CONCURRED IN

DATE 12-12-67 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Steigerwald seconded by Buchanan and duly adopted, read the second time by title and referred to the (Committee on) Regulation (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock P.M., E.S.T.

Date: 7/11/67 Walter C. Meyers CITY CLERK
Read the third time in full and on motion by Fair seconded by _____ and duly adopted, placed on its passage.

Passed (~~lost~~) by the following vote:
AYES 8, NAYS 0, ABSTAINED _____, ABSENT 1 to-wit:
Buchanan _____
Dunifon _____
Fay _____
Hlinga _____
Nuckols _____
Robinson _____
Rousseau _____
Steigerwald _____
Tipton _____

Date 12-12-67 Luad S. Bonahoom CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. 7-129-67 on the 12th day of Dec., 1967.

ATTEST: (SEAL) Luad S. Bonahoom CITY CLERK Elmer J. Rousseau PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of Dec., 1967 at the hour of 10:00 A o'clock A.M., E.S.T. Luad S. Bonahoom CITY CLERK

Approved and signed by me this 14th day of December, 1967, at the hour of 9:03 o'clock A.M., E.S.T. Harold S. Zeis MAYOR

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head number of lines	-
Body number of lines	146
Tail number of lines	2
Total number of lines in notice	148

COMPUTATION OF CHARGES

148 lines, columns wide equals equivalent lines at 288¢ cents per line	42.62
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	42.62

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type 5 1/2 point
Number of insertions 2	Size of quad upon which type is cast 5 1/8

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

[Signature]

Date January 15, 1968

Title ASSISTANT SECRETARY

Notice is hereby given that on the 12th day of December, 1967, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map Ordinance, to-wit: Bill No. Z-67-07-12.

ZONING MAP ORDINANCE NO. Z-129-67 AN ORDINANCE amending the City of Fort Wayne Zoning Map No. JJ-2 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. JJ-2 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Situated in the Fractional Southwest one-quarter of Section 7, Township 30, North, Range 12 East, Allen County, Indiana, and further bounded and described as follows:

Beginning at an iron pin at the south-westerly corner of said Fractional Section 7, Township 30 North, Range 12 East, Allen County, Indiana, thence North 0 degrees 00' 11" West along the westerly line of said Fractional Section 7, Township 30 North, Range 12 East, 338.87 feet to the principal place of beginning of the premises herein intended to be described;

COURSE 1 Thence continuing North 0 degrees 00' 11" West along said westerly line of Fractional Section 7, Township 30 North, Range 12 East, 2352.22 feet to a corner post at the southwesterly corner of land conveyed to Inverness Investors, Inc., by deed recorded in Volume 660, Page 178 of Allen County Deed Records;

COURSE 2 Thence South 89 degrees 47' 00" East along the southerly line of land conveyed to Inverness Investors, Inc., 702.30 feet to a steel beam;

COURSE 3 Thence North 0 degrees 56' 11" East 335.13 feet to a corner post; COURSE 4 Thence North 89 degrees 44' 17" East along a southerly line of land conveyed to Inverness Investors, Inc. and the southerly line of Walnut Hills Terrace Addition, 1323.13 feet to a point in the centerline of Gerz Road;

COURSE 5 Thence South 0 degrees 34' 33" East along said centerline of Gerz Road;

Course IX Thence South 13 degrees 57' 56" East 150.00 feet to a point; Course X Thence South 49 degrees 43' 33" West 345.20 feet to a point; Course XI Thence South 89 degrees 47' 49" West 1133.66 feet to a point; Course XII Thence South 0 degrees 12' 11" East 640.68 feet to a point; Course XIII Thence South 89 degrees 47' 49" West 427.40 feet to the principal place of beginning and containing 64.3132 acres of land be the same more or less, but subject to all legal highways.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

PHIL A. STEIGERWALD, Councilman.

Read the third time in full and on motion by Steigerwald seconded by Fay and duly adopted, placed on its passage. Passed by the following vote:

Ayes eight: Dunifon, Fay, Hinga, Nuckols, Robinson, Rousseau, Steigerwald, Tipton. Nays none. Absent one, to-wit: Councilman Buchanan. Date: 12-12-67.

FUAD G. BONAHOOM, City Clerk.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-129-67 on the 12th day of December, 1967.

ATTEST: (SEAL) FAUD G. BONAHOOM, City Clerk.

EDWIN J. ROUSSEAU, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1967 at the hour of 10:00 o'clock A.M., E.S.T.

FAUD G. BONAHOOM, City Clerk.

Approved and signed by me this 14th day of December, 1967, at the hour of 9:03 o'clock A.M., E.S.T.

HAROLD S. ZEIS, Mayor.

I, Fuad G. Bonaohoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-129-67 passed by the Common Council on the 12th day of December, 1967, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of December, 1967 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 27th day of December, 1967.

FUAD G. BONAHOOM, City Clerk.

1-5, 12.

NOTARY'S AFFIDAVIT

ty } ss:

appeared before me, a notary public in and for said county and state, the

NOLD F. SCHERER who, being duly sworn, says

ASSISTANT SECRETARY of the

JOURNAL-GAZETTE

newspaper of general circulation printed and published

language in the city of FORT WAYNE, INDIANA

county aforesaid, and that the printed matter attached hereto is a true copy,

published in said paper for 2 time s, the dates of publication being

January 5, 1968

January 12, 1968

sworn to before me this 15th day of January 19 68

Edith Stapleton

Notary Public

expires March 8, 1970



Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits and that no part of the same has been paid.

Date January 15, 1968

Title ASSISTANT SECRETARY

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Course XIII Thence South 89 degrees 47' 49" West 427.40 feet to the place of beginning.

ER'S AFFIDAVIT

appeared before me, a notary public in and for said county and state, the
ARNOLD F. SCHERER who, being duly sworn, says
ASSISTANT SECRETARY of the

JOURNAL-GAZETTE

DAILY

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

January 5, 1968

January 12, 1968

Subscribed and sworn to before me this 15th day of January 1968

Edith Stapleton
Notary Public

My commission expires March 8, 1970

Allen County, Ind.

FORT WAYNE, INDIANA

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Date January 15, 68

Title SECRETARY-TREASURER

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COURSE V Thence South 0 degrees 34' 33" East along said centerline of Getz Road, 50.00 feet to a point;

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COURSE VII Thence South 0 degrees 09' 44" West along the westerly line of said Covington Acres Amended Addition, the westerly line of land conveyed to Joseph H. & I. Iranc Pitt by deed recorded in Volume 632, Page 220 of Allen County Deed Records, and the westerly

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned, MARTHA L. BRANNING who, being duly sworn, says that she is SECRETARY-TREASURER of the NEWS-SENT INEL a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

January 5, 1968
January 12, 1968

Subscribed and sworn to before me this 15th day of January 19 68

Edith Stapleton
Notary Public

My commission expires March 8, 1970

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702.30 feet to a steel beam;
Course III Thence North 0 degrees
56' 11" East 335.13 feet to a corner post;
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and the southerly line of Walnut Hills
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by deed recorded in Volume 466, Page
547 of Allen County Deed Records, 1623.30
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53' 04" East along the southerly line of
land conveyed to Ethel La Vergne, 542.70
feet to a point, said point being distant
South 89 degrees 53' 04" West 258.00 feet
from the centerline of Getz Road;
Course IX Thence South 13 degrees
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47' 49" West 427.40 feet to the principal
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acres of land be the same more or less,
but subject to all legal highways.

SECTION 2. This Ordinance shall be
in full force and effect from and after
its passage, approval by the Mayor, and
legal publication thereof.

PHIL A. STEIGERWALD,
Councilman.

Read the third time in full and on
motion by Steigerwald seconded by Fay
and duly adopted, placed on its passage.
Passed by the following vote:

Ayes eight:

Dunifon, Fay, Hinga, Nuckols, Robin-
son, Rousseau, Steigerwald, Tipton.

Nays none

Absent one, to-wit: Councilman
Buchanan.

Date: 12-12-67.

FUAD G. BONAHOOM,
City Clerk.

Passed and adopted by the Common
Council of the City of Fort Wayne, In-
diana, as Zoning Map Ordinance No.
Z-129-67 on the 12th day of December, 1967.

ATTEST: (SEAL)

FAUD G. BONAHOOM,
City Clerk.

EDWIN J. ROUSSEAU,
Presiding Officer.

Presented by me to the Mayor of the
City of Fort Wayne, Indiana, on the 13th
day of December, 1967 at the hour of
10:00 o'clock A.M., E.S.T.

FAUD G. BONAHOOM,
City Clerk.

Approved and signed by me this 14th
day of December, 1967, at the hour of
9:03 o'clock A.M., E.S.T.

HAROLD S. ZEIS,
Mayor.

I, Fuad G. Bonahoom, Clerk of the
City of Fort Wayne, Indiana, do hereby
certify that the above and foregoing is a
full, true, and complete copy of Zoning
Map Ordinance No. Z-129-67 passed by the
Common Council on the 12th day of
December, 1967, and that said Ordinance
was duly signed, and approved by the
Mayor on the 14th day of December,
1967, and now remains on file and on
record in my office.

WITNESS my hand, and the official
seal of the City of Fort Wayne, Indiana,
this 27th day of December, 1967.

FUAD G. BONAHOOM,
City Clerk.